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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,787	01/04/2002	Mulham Bayassi	11345.046001	7267
22511	7590	07/13/2005	EXAMINER	
OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			ENG, GEORGE	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/019,787	Applicant(s) BAYASSI, MULHAM	
	Examiner George Eng	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 16-18, 23, 26-28, 34-36, 38 and 49-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 16-18, 23, 26-28, 34-36, 38 and 49-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 4/8/2005.

Information Disclosure Statement

2. The information disclosure statement filed 1/4/2002 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Drawings

3. The drawings were received on 1/4/2002. These drawings are acceptable.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 6-8, 23, 26-28, 34, 38, 50 and 53 are rejected under 35 U.S.C. 102(a) as being anticipated by Rippingale et al. (GB 2331423A hereinafter Rippingale).

Regarding claim 23, Rippingale discloses a method of communicating with a mail center, comprising running an email application on a receiver (10, figure 1), wherein the receiver is a receiver of broadcast signals and wherein the receiver is used to provide a user with access to a plurality of television programs and services, and displaying with the receiver by means of the email application an email notification received in a broadcast signal at said receiver (pages 5-8).

Regarding claims 6-8, Rippingale discloses to store information relating to e-mail accounts at a central location, wherein information relating to e-mail accounts is linked to identifiers of receivers and smart card numbers of the receiver, and wherein the broadcast signal is part of a subscription service and information relating to e-mail account is linked to information relating to the subscription service (abstract and pages 7-8).

Regarding claim 16, Mandalia discloses the broadcast signal being a digital data stream (page 3 and page 6).

Regarding claims 26-28, the limitations of the claims are rejected as the same reasons set forth in claims 6-8.

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Regarding claim 34, the limitations of the claim are rejected as the same reasons set forth in claim 16.

Regarding claim 38, the limitations of the claims are rejected as the same reasons set forth in claim 23.

Regarding claim 49, Rippingale discloses the broadcast being via cable (page 3).

Regarding claim 50, Rippingale discloses the email being sent without any prompt (pages 8-9).

Regarding claim 52, the limitations of the claim are rejected as the same reasons set forth in claim 49.

Regarding claim 53, the limitations of the claim are rejected as the same reasons set forth in claim 50.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17-18 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rippingale et al. (GB 2331423A hereinafter Rippingale) in view of Uchida et al. (US PAT. 6,327,610 hereinafter Uchida).

Regarding claims 17-18, Rippingale differs from the claimed invention in not specifically teaching the notification being sent as a section of the digital data stream by way of an entitlement management message. However, Uchida teaches a broadcast communication system for sending a portion of electronic mails with an access code, i.e., a notification, to an accepting station prior to transmission of a main body of electronic mail in order to prevent enormous traffic from concentrating on a part of a network at the time of data transmission (col. 6 line 62 through col. 9 line 13). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rippingale in having the notification being sent as a section of the digital data stream by way of an entitlement management message, as per teaching of Uchida, because it prevents enormous traffic from concentrating on a part of a network at the time of data transmission.

Regarding claims 35-36, the limitations of the claims are rejected as the same reasons set forth in claims 17-18.

8. Claims 51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rippingale et al. (GB 2331423A hereinafter Rippingale) in view of Bosco (US PAT. 6,335,963).

Regarding claim 51, Rippingale differs from the claimed invention in not specifically teaching to request by the receiver for broadcast notification from the mail center of waiting emails. However, it is old and notoriously well known in the art of a user sending a request to the mail center for broadcast notification of waiting mails by registering the user with an e-mail service to be notified of a received e-mail, for example see Bosco (abstract and col. 3 line 41 through col. 4 line 64). Therefore, it would have been obvious to a person of ordinary skill in the

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art at the time the invention was made to modify Rippingale in having requesting by the receiver for broadcast notification from the mail center of waiting emails, as per teaching of Bosco, in order to make user friendly of requesting e-mail notification service based upon user needs.

Regarding claim 54, the limitations of the claim are rejected as the same reasons set forth in claim 51.

Response to Arguments

9. Applicant's arguments with respect to claims 6-8, 16-18, 23, 26-28, 34-36, 38 and 49-54 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng
Primary Examiner
Art Unit 2643